

REMARKS

Claims 1-10 are pending in this application. Claims 1, 4 and 5 are amended herein to more distinctly claim the subject matter of the present invention. Claims 7-10 are canceled. The specification and abstract are amended herein to correct typographical errors. Applicant submits that no new matter has been added by this response.

Election/Restrictions

The Examiner has acknowledged Applicant's July 31, 2006 election, without traverse, of the invention Group I. Herein claims 7-10 are canceled and withdrawn from further consideration pursuant to 37 CFR 1.142(b).

Claim Objections

Claim 1 was objected to because of the recitation of "pins" in line 3, which should recite "fins." In response, claim 1 has been amended, to recite "fins". Likewise the specification and abstract are amended to correct the wording. Accordingly, Applicant requests that the claim objection is withdrawn.

Rejections under 35 U.S.C. § 102

Claims 1-2, 4 and 6 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No.: 1,788,068, to Scott (hereinafter as "Scott").

A proper rejection for anticipation under § 102 requires complete identity of invention. The claimed invention, including each element thereof as recited in the claims, must be disclosed or embodied, either expressly or inherently, in a single reference. Scripps Clinic & Research Found. v. Genentech Inc., 927 F.2d 1565, 1576, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991); Standard Havens Prods., Inc. v. Gencor Indus., Inc., 953 F.2d 1360, 1369, 21 U.S.P.Q.2d 1321, 1328 (Fed. Cir. 1991).

On page 2 of the Office Action, the Examiner asserted that the term "integral" was sufficiently broad to embrace constructions as disclosed in Scott, page 2, lines 8-16. In response, claim 1 is amended to incorporate part of the limitation of claim 5 to more distinctly claim the subject matter, reciting "wherein the cooling fins are formed at a right angle to a longitudinal direction of the refrigerant pipes." Applicant submits that Scott fails to disclose or suggest a heat exchanger having cooling fins formed at a right angle to a longitudinal direction of the refrigerant pipes, as disclosed in amended claim 1. Instead, Scott discloses a heat exchanger having flat fins formed horizontal to a longitudinal direction, which is no the same as a fin formed at right angle.

On page 3 of the Office Action, the Examiner rejected claim 5 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No.: 5,025,855, to Hoshino et al. (hereinafter as "Hoshino"), asserting Hoshino discloses fins have louvers 12a, which by definition are slits angled from the plane of the fin. After careful study of the Hoshino reference, Applicant respectfully submits that fins having louvers, i.e. slits angled from the plan of the fin, is not the same as a fin formed at a right angle, as previously recited in claim 5 and now disclosed in amended claim 1. Therefore, claim 1 is patentable over Scott, because the complete identity of the present invention is not disclosed in Scott.

Accordingly, Applicant submits that claims 2, 4, and 6 are patentable over Scott, since they depend from amended claim 1. It is requested that the rejections under § 102(b) are withdrawn because Scott does not anticipate claims 1-2, 4 and 6.

Claims 1-4 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No.: 4,831,844, to Kadle (hereinafter as "Kadle"). For similar reasons stated above, Applicant submits that Kadle fails to disclose or suggest a heat exchanger having cooling fins formed at a right angle to a longitudinal direction of the refrigerant pipes, as disclosed in amended claim 1. Therefore, claim 1 is patentable over Kadle. Likewise, Applicant submits that claims 2-4 are patentable over Kadle since they depend from amended claim 1.

Claims 1, 3 and 5 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No.: 5,025,855, to Hoshino. Applicant submits that Hoshino fails to disclose or suggest a heat exchanger having cooling fins formed at a right angle to a longitudinal direction of the refrigerant pipes, as disclosed in amended claim 1. Therefore, claim 1 is patentable over Hoshino. As stated above, regarding claim 5, Applicant respectfully submits Hoshino's disclosure of fins having louvers, i.e. slits angled from the plane of the fin, is not the same as a fin formed at a right angle, as previously recited in claim 5 and now disclosed in amended claim 1. Additionally, claim 5 is amended to more distinctly claim the subject matter therein, reciting "wherein the cooling fins further comprise a certain tilt angle to smoothly discharge condensate water and for a smooth contact with air" (see specification page 6, lines 20-23). Hoshino fails to disclose the limitations of amended claim 5.

Accordingly, Applicant believes claim 1 is allowable, and claims 3 and 5 are allowable, at least by view of their dependence from claim 1. It is requested that the rejections under 35 U.S.C. § 102(b) are withdrawn and that claims 1, 3 and 5 are allowed.

Conclusion

In view of the foregoing, it is respectfully submitted that the application and the claims are in condition for reconsideration on the merits, thus reexamination of the application is requested. The Examiner is invited to call the undersigned attorney at (213) 623-2221 should the Examiner believe a telephone interview would advance the prosecution of the application.

Respectfully submitted,

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